

Atty. Dkt. No. 355208

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MAY 04 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**OFFICE OF PETITIONS**

Applicant: Anthony E. BOLTON, et al.  
Title: APOPTOTIC ENTITIES FOR USE  
IN TREATMENT OF T-CELL-  
MEDIATED AND  
INFLAMMATORY DISORDERS  
Appl. No.: 09/866,488  
Filing Date: 5/25/2001  
Examiner: Misook Yu  
Art Unit: 1642  
Confirmation Number: 4401

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the Office of Petitions at the United States Patent and Trademark Office, Alexandria, Virginia to facsimile number 571-273-0025 on the date below.  Susana Salto (Printed Name)  S. Salto (Signature)  May 4, 2007 (Date of Transmittal)
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**PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. §1.313(c)(2)**  
**FOR A PATENT TO GRANT FROM AN APPLICATION**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request that the present application be withdrawn from issue under the provisions of 37 C.F.R. § 1.313(c)(2). The Issue Fees for the above-identified application were paid on April 27, 2007.

Applicants wish to withdraw the present application from issue so a reference listed on the enclosed Supplemental Information Disclosure Statement and SB08 form may be considered and entered into the application file. This Supplemental Information Disclosure Statement and Request for Continued Examination (RCE) are concurrently filed today with the examining division. A copy of the RCE, Supplemental IDS and SB08 form are attached.

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The fee in the amount of \$130, as set forth by 37 C.F.R. §1.17(h) is being paid by credit card.

**OFFICE OF PETITIONS**

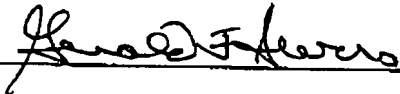
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Petition under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by the credit card payment instructions being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 5-4-07

FOLEY & LARDNER LLP  
Customer Number: 38706  
Telephone: (650) 251-1103  
Facsimile: (650) 856-3710

By 

Gerald F. Swiss  
Attorney for Applicant  
Registration No. 30,113

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** MAY 04 2007

Applicant: Anthony E. BOLTON, et al.

**OFFICE OF PETITIONS**

Title: APOPTOTIC ENTITIES FOR  
USE IN TREATMENT OF T-  
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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this paper is being facsimile transmitted to the  
Office of Petitions at the United States Patent and Trademark  
Office, Alexandria, Virginia to facsimile number 571-273-0025 on  
the date below.

Susana Salto

(Printed Name)

S. Salto

(Signature)

May 4, 2007

(Date of Deposit)

Appl. No.: 09/866,488

Filing Date: 5/25/2001

Examiner: Misook Yu

Art Unit: 1642

Confirmation Number: 4401

**COPY**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present

application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The listed document is being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 50-0872.

Respectfully submitted,

Date 5-4-07

FOLEY & LARDNER LLP  
Customer Number: 38706  
Telephone: (650) 251-1103  
Facsimile: (650) 856-3710

By Gerald F. Swiss

Gerald F. Swiss  
Attorney for Applicant  
Registration No. 30,113

# COPY

PTO/SB/08 (09-08)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Approved for use through 03/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: May 4, 2007 (use as many sheets as necessary)			<b>Complete if Known</b>	
			Application Number	09/866,488
			Filing Date	5/25/2001
			First Named Inventor	Anthony E. BOLTON
			Art Unit	1642
			Examiner Name	Misook Yu
Sheet 1 of 1			Attorney Docket Number	355908-1650

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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Application Document	Filing Date of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Serial Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 92/10198	06/25/1992	Johnson & Johnson Research Party Limited		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinda Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Title: APOPTOTIC ENTITIES  
FOR USE IN TREATMENT  
OF T-CELL-MEDIATED  
AND INFLAMMATORY  
DISORDERS

Appl. No.: 09/866,488

Appl. Filing Date: 5/25/2001

Examiner: Misook Yu

Art Unit: 1642

Confirmation  
Number: 4401

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of a civil action under 35 U.S.C. § 145 or § 146 (unless the appeal or civil action is terminated).

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1. Submission required under 37 C.F.R. §1.114: (check items that apply)

b. Enclosed are:

☒ Information Disclosure Statement.☒ Form PTO/SB/08 with copies of 1 listed reference.

Miscellaneous:

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$790.00	= \$790.00
Total Claims:	26	- 26	= 0	x \$50.00	= \$0.00
Independents	6	- 6	= 0	x \$200.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$360.00	= \$0.00
CLAIMS FEE TOTAL:					= \$790.00

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:



<input type="checkbox"/>	Extension for response filed within the first month:	\$120.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00		\$0.00
	EXTENSION FEE SUBTOTAL:			\$0.00
	EXTENSION FEE ALREADY PAID: -			\$0.00
	EXTENSION FEE TOTAL			\$0.00
	CLAIMS AND EXTENSION FEE TOTAL:			\$790.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract 1/2 of above):			\$395.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
	TOTAL FEE:			\$395.00

The above-identified fees of \$395.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 5-4-07

By Gerald F. Swiss

FOLEY & LARDNER LLP  
Customer Number: 38706  
Telephone: (650) 251-1103  
Facsimile: (650) 856-3710

Gerald F. Swiss  
Attorney for Applicant  
Registration No. 30,113



FOLEY & LARDNER LLP

ATTORNEYS AT LAW

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PALO ALTO, CA 94304-1125  
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WWW.FOLEY.COM

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User ID No : 4362

MAY 04 2007  
OFFICE OF PETITIONS

**MESSAGE:**

**Request for Withdraw of Issuance of Application No. 09/866,488**

Applicant: Anthony E. BOLTON, et al.  
Title: APOPTOTIC ENTITIES FOR USE IN TREATMENT OF T-CELL-MEDIATED AND INFLAMMATORY DISORDERS  
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Filing Date: 5/25/2001  
Examiner: Misook Yu  
Art Unit: 1642  
Confirmation Number: 4401

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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 2

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